

# **EXHIBIT D**

STATE OF MAINE

GREGORY PAUL VIOLETTE	)	SUPERIOR COURT
Plaintiff	)	SOMERSET, ss
	)	
v.	)	
	)	
CITI BANK	)	DOCKET NO. _____
Defendant	)	
	)	

**NOTICE TO STATE COURT OF REMOVAL**

TO THE HONORABLE COURT:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Citibank, N.A. (incorrectly pled as “Citi Bank”) (“**Defendant**”) filed removal papers with the Clerk of the United States District Court for the District of Maine regarding the above-captioned action. A copy of the Notice of Removal to Federal Court is attached hereto as Exhibit A. The Superior Court of the State of Maine, Somerset County, is respectfully requested to proceed no further in this action unless and until such time as the action may be remanded by order of the United States District Court for the District of Maine.

Respectfully Submitted,

DEFENDANT,  
CITIBANK, N.A.

By: /s/ Donald E. Frechette  
Donald E. Frechette (ME2936)  
Locke Lord LLP  
20 Church Street  
Hartford, CT 06103  
Tel. No. (860) 525-5065  
Fax No. (860) 527-4198  
Email: donald.frechette@lockelord.com  
Its Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of December, 2020, a copy of the foregoing was served, via U.S. mail, postage prepaid, on the following:

Gregory Paul Violette  
21 Summer Street  
Madison, Maine 04950

By: /s/ Donald E. Frechette  
Donald E. Frechette, Esq.

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

GREGORY PAUL VIOLETTE	:	CIVIL ACTION NO.:
Plaintiff	:	
	:	
V.	:	
	:	
CITI BANK.	:	
Defendant	:	DECEMBER 23, 2020

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT**

**PLEASE TAKE NOTICE THAT**, pursuant to 28 *U.S.C.* §§ 1332, 1441 and 1446, defendant Citibank N.A. (incorrectly pled as “Citi Bank”) (“**Defendant**”), through its undersigned counsel, hereby gives notice of the removal of the action styled *Gregory Paul Violette v. Citi Bank.*, that was served on November 27, 2020, but not timely filed (the “**State Court Action**”) from the Superior Court of the State of Maine, Somerset County, to the United States District Court for the District of Maine. In support of this Notice of Removal, Defendant states as follows:

**I. GROUND FOR REMOVAL**

1. 28 *U.S.C.* § 1441 establishes when an action is removable. Section 1441(a) states that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

2. This Court’s subject matter jurisdiction, and the Defendant’s basis for removal, is founded upon diversity jurisdiction pursuant to 28 *U.S.C.* § 1332 or, in the alternative, federal question jurisdiction pursuant to 28 *U.S.C.* § 1331 and supplemental jurisdiction pursuant to 28 *U.S.C.* § 1367.

**A. Diversity Jurisdiction**

3. 28 U.S.C. § 1332 states, in relevant part, that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States; [or] (2) citizens of a State and citizens or subjects of a foreign state.”

4. Plaintiff Gregory Paul Violette (“Plaintiff”) is a resident of Madison, Maine. *See* Summons, Complaint, and Notice Regarding Electronic Service dated November 20, 2020 (the “Summons and Complaint”) (attached as **Exhibit A** is a true and accurate copy of the papers served upon CBNA in the State Court Action).

5. Defendant CBNA is a federally-chartered national banking association. A national banking association’s citizenship is determined solely by the location of its main office as designated in its articles of association. *See* 28 U.S.C. § 1348; *Wachovia Bank v. Schmidt*, 546 U.S. 303, 318 (2006). CBNA’s main office is in New York. CBNA is, therefore, a citizen of New York.

6. As stated in the complaint, Plaintiff alleges that CBNA agreed to remove charges and statements from Plaintiff’s credit report with multiple credit bureaus. Plaintiff alleges that the statements of the CBNA account with the credit bureaus were not accurate because CBNA no longer had the account. However, on or about November 19, 2020, Plaintiff alleges that CBNA refused to remove the account or to remove the account fully from three credit bureaus. Plaintiff alleges punitive and exemplary damages in the amount of \$550,000.00 and an order removing the account from three credit bureaus.

7. Based on these facts, removal is proper because Plaintiff’s suit is a civil action where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest

and costs, and is between “(1) citizens of different states; [or] (2) citizens of a State and citizens or subjects of a foreign state.” *See* 28 U.S.C. §§ 1332, 1441.

**B. Federal Question Jurisdiction**

8. In the complaint, Plaintiff claims that CBNA reported false or inaccurate information to credit reporting bureaus for an account that CBNA did not have. As a result, Plaintiff claims that he has suffered damages. A well-pleaded complaint would have asserted a claim under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et. seq.*

9. This Court therefore has jurisdiction over the *Complaint* pursuant to 28 U.S.C. § 1331 as Plaintiff’s claim is created by, and arises under, the laws of the United States.

10. Upon removal, this Court would have supplemental jurisdiction over any state law claims pursuant to 28 U.S.C. § 1367 (a) and 28 U.S.C. 1441 (c), as the state law claims, if any, are so related to the FCRA claims such that they form part of the same case or controversy.

**II. VENUE**

11. Venue is proper in this district under 28 U.S.C. § 1441(a) because the State Court Action was pending in the Superior Court for the State of Maine, Somerset County, is located in this district.

**III. REMOVAL IS TIMELY**

12. 28 U.S.C. § 1446 establishes the time frame and procedure to properly effectuate removal.

13. 28 U.S.C. § 1446 (b) provides that “[t]he notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

14. To initiate this action, on November 20, 2020, Plaintiff mailed a copy of the Summons, Complaint, and Notice of Electronic Service to CBNA by certified mail. *See* USPS tracking information attached hereto as **Exhibit B**. CBNA was served with the Complaint when it received the certified mail on November 27, 2020. *See* **Exhibit B**. Plaintiff has not timely filed his Complaint as required by *Maine R. Civ. P.* 3. Less than thirty days have elapsed since CBNA was served with the Complaint. This Notice of Removal has, therefore, been timely filed.

#### **IV. ALL OTHER PROCEDURES FOR REMOVAL HAVE BEEN FOLLOWED**

15. 28 *U.S.C.* § 1446 (a) requires defendants seeking to remove a civil action to file “a copy of all process, pleadings, and orders served upon such . . . defendants in such action.” The Summons, Complaint, and Notice of Electronic Service are attached as **Exhibit A**.

16. All adverse parties to this action (that is, the Plaintiff) have been provided with written notice of the filing of this removal, as required by 28 *U.S.C.* § 1446 (d), as evidenced by the attached Certificate of Service and by Notice to Parties of Removal directed to Plaintiff and which will be promptly filed in the State Court Action. A copy of the Notice to Parties of Removal to be filed in the Superior Court on this date is attached hereto as **Exhibit C**.

17. There are no other defendants in this matter and therefore, consent of other defendants to this removal is not required.

18. Pursuant to 28 *U.S.C.* § 1446(d), CBNA will promptly notify the Superior Court of the State of Maine for Somerset County, of the filing of this Notice. A copy of the Notice of Removal to be filed in the Superior Court on this date is attached hereto as **Exhibit D**.

WHEREFORE, pursuant to the provisions of 28 *U.S.C.* §§ 1441 and 1446, Defendant Citibank, N.A. hereby removes to this Court the action captioned *Gregory Paul Violette v. Citi*



*Bank.*, served on Defendant on November 27, 2020, from the Superior Court of the State of Maine, Somerset County, to the United States District Court for the District of Maine.

Dated this 23rd day of December, 2020.

Respectfully Submitted,

DEFENDANT,  
CITIBANK, N.A.

By: /s/ Donald E. Frechette  
Donald E. Frechette (ME2936)  
Locke Lord LLP  
20 Church Street  
Hartford, CT 06103  
Tel. No. (860) 525-5065  
Fax No. (860) 527-4198  
Email: donald.frechette@lockelord.com  
Its Attorneys

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Gregory Paul Violette  
21 Summer Street  
Madison, Maine 04950

By: /s/ Donald E. Frechette  
Donald E. Frechette, Esq.

# **EXHIBIT A**

SUPERIOR COURT

Somerset, ss.

Docket No. \_\_\_\_\_

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

Gregory Paul Violette Plaintiff

v.

Citi Bank Defendant

P.O. Box 6742 Address

Sioux Falls, SD 57117

**SUMMONS**  
**M.R.Civ.P. 4(d)**

The Plaintiff has begun a lawsuit against you in the (~~District~~) (Superior) Court, which holds sessions at (street address) 41 Court St, in the Town/City of Skowhegan, County of Somerset, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer by delivering a copy of it in person, by mail, or by email to the Plaintiff's attorney, whose name and address, including email address appear below, or by delivering a copy of it in person or by mail to the Plaintiff, if the Plaintiff's name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to: Clerk of (~~District~~) (Superior) Court, 47 Court St, Skowhegan, Maine 04916.  
(Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served. Court rules governing the preparation and service of Answers are found at [www.courts.maine.gov](http://www.courts.maine.gov).

**IMPORTANT WARNING:** If you fail to serve an answer within the time stated above, or if, after you answer, you fail to appear at any time the Court notifies you to do so, a judgment by default may be entered against you in your absence for the money damages or other relief demanded in the Complaint. If this occurs, your employer may be ordered to pay part of your wages to the Plaintiff or your personal property, including bank accounts and your real estate may be taken to satisfy the judgment. If you intend to oppose this lawsuit, do not fail to answer within the requested time.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: November 20, 2020

Gregory Paul Violette

21 Summer St.

Madison, ME 04950-1922

207-399-7564

drp@violette@gmail.com

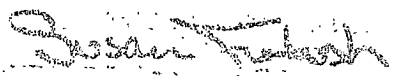
(Attorney for) Plaintiff

Address

Telephone

Email Address

(Seal of Court)



Clerk

MAINE JUDICIAL BRANCH

Gregory Paul Violette \_\_\_\_\_ Plaintiff  
V.  
Citi Bank \_\_\_\_\_ Defendant

"X" the court for filing:

☒ Superior Court ☐ District Court

County: Somerset

Location (Town): Skowhegan

Docket No.: \_\_\_\_\_

NOTICE REGARDING ELECTRONIC SERVICE

**NOTICE TO PARTIES:** All parties who are represented by an attorney are subject to the requirements of Electronic Service under Rule 5 of the Maine Rules of Civil Procedure.

**OPT IN:** If you do not have an attorney, papers that must be served on you by other parties in this case will be sent to you through the regular mail to your address of record. But **you have a choice** to request that all papers required to be served on you by other parties in this case be sent instead electronically to your designated email address; and you may also agree to serve by email all papers you are required to serve on other parties in this case.

**PLEASE NOTE:** Any electronic service that you opt into applies only to papers served on you by other parties, and/or to papers you are required to serve on other parties. It does not apply to notices, orders, or other papers generated by the court, or to any papers you must file with the court. You must file all court papers in paper form by mail or in person, and all Court papers will continue to be sent to you by regular mail.

**If you choose not to opt in, you do not need to do anything.** If you would like to receive and/or serve papers on other parties electronically, you must meet the requirements set forth below. Check the appropriate box(es) and mail (or scan and email) the signed form to all other parties in the case. Do not file this form with the Court.

☐ **Electronic Receipt:** I choose to OPT IN to receive by email documents from other parties in this case. I have reviewed and meet all of the following electronic receipt requirements:

- ☐ I have a trusted email account and I have daily access to this account;
- ☐ I understand that **I will receive time-sensitive documents** through this email address including documents that may require me to take action in this case;
- ☐ This email account has available electronic storage of at least 1 gigabyte;
- ☐ This email account accepts emails with attachments of up to 10 megabytes; and
- ☐ I will be able to maintain this email account throughout this case.

☐ **Electronic Delivery:** I choose to OPT IN to deliver documents to other parties by email in this case. I have reviewed and meet all of the following electronic delivery requirements:

- ☐ I meet all of the requirements for electronic receipt listed above;
- ☐ I have the ability to scan and create .pdf files of documents I am required to serve on other parties.

Date (mm/dd/yyyy): \_\_\_\_\_



\_\_\_\_\_  
Self-Represented Party (Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print email address)

**ADA Notice:** The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, [accessibility@courts.maine.gov](mailto:accessibility@courts.maine.gov), or a court clerk.

**Language Services:** For language assistance and interpreters, contact a court clerk or [interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov).

**STATE OF MAINE**

SUPERIOR COURT  
SOMERSET, SS.

CIVIL ACTION  
DOCKET NO.

Gregory Paul Violette,

Plaintiff,

Vs.

PLAINTIFF'S CIVIL COMPLAINT  
CONTRACT

Citi Bank  
Defendant.

**PLAINTIFF'S CIVIL COMPLAINT**

NOW COMES the Plaintiff, Gregory Paul Violette and states as follows:

- On or about September 18, 2020, I talk with Citi Bank and was told if I agreed to pay a settlement amount and did so Citi Bank would REMOVED the account from my credit reports.
- On or about October 28, 2020, Citi Bank told me they NO LONGER had my LL BEAN MasterCard account and they would be TOTAL REMOVING the account from the credit bureaus over the next 7 to 10 days.

- On or about November 19, 2020, I was told by Citi Bank that they would NOT notify the credit bureaus and remove the account fully from the three bureaus, this was a total reversal from what I was told in October upon making our agreement.
- Citi Bank no longer has my account and they should NOT be reporting on an account they do NOT have.

#### CONCLUSION

Plaintiff prays that the court will award Plaintiff punitive damages and exemplary damages in the amount of \$550,000.00 because of Defendant's unfairly dealing with my contract and they're NOT reporting to the three credit bureaus to remove my account. I ask that my account be FULLY REMOVE from the three credit bureaus or the court awards me the \$550,000 damages. I also ask the court to award attorney fees and court cost and any other relief that the court deems just.

Dated at Madison, Maine this 20<sup>th</sup> day of November 2020.



Gregory Paul Violette, Plaintiff

21 Summer St.

Madison, Maine 04950

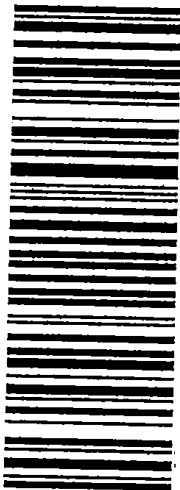
Phone Number: 207-399-7567

Gregory Violette

21 Summer St.

Madison, ME 04950-1422

**CERTIFIED MAIL®**



7019 1640 0000 2980 1967



1000



57117

U.S. POSTAGE PAID  
FCM LETTER  
MADISON, ME  
04950  
NOV 20, 20  
AMOUNT

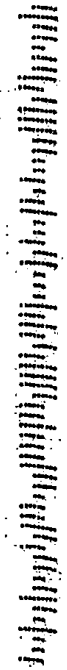
**\$6.95**

R2305K133397-11

**RETURN RECEIPT  
REQUESTED**

Citi Bank  
P. O. Box 6742  
Sioux Falls, SD 57117

5711736742 B004



## **EXHIBIT B**



ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPL...

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70191640000029801967

Remove X

Your item was delivered at 4:50 am on November 27, 2020 in SIOUX FALLS, SD 57117.

✓ Delivered

November 27, 2020 at 4:50 am  
Delivered  
SIOUX FALLS, SD 57117

Get Updates ▾

Feedback

Text & Email Updates ▾

Tracking History ▴
<div>November 27, 2020, 4:50 am Delivered SIOUX FALLS, SD 57117 Your item was delivered at 4:50 am on November 27, 2020 in SIOUX FALLS, SD 57117.</div>
<div>November 27, 2020, 2:29 am Arrived at Unit SIOUX FALLS, SD 57104</div>

**November 26, 2020, 4:36 pm**  
Arrived at USPS Regional Destination Facility  
SIOUX FALLS SD DISTRIBUTION CENTER

**November 25, 2020**  
In Transit to Next Facility

**November 24, 2020, 6:25 pm**  
Arrived at USPS Regional Facility  
ATLANTA NORTH METRO DISTRIBUTION CENTER

**November 21, 2020, 4:55 am**  
Departed USPS Regional Facility  
EASTERN ME DISTRIBUTION CENTER

**November 20, 2020, 10:08 pm**  
Arrived at USPS Regional Origin Facility  
EASTERN ME DISTRIBUTION CENTER

**November 20, 2020, 4:34 pm**  
Departed Post Office  
MADISON, ME 04950

**November 20, 2020, 2:36 pm**  
USPS in possession of item  
MADISON, ME 04950

Feedback

**Product Information**



See Less ^

**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

Feedback

# **EXHIBIT C**

STATE OF MAINE

GREGORY PAUL VIOLETTE	)	SUPERIOR COURT
Plaintiff	)	SOMERSET, ss
	)	
v.	)	
	)	
CITI BANK	)	DOCKET NO. _____
Defendant	)	
	)	

**NOTICE TO ADVERSE PARTIES OF FILING  
NOTICE OF REMOVAL TO FEDERAL COURT**

To: Gregory Paul Violette  
21 Summer Street  
Madison, Maine 04950

Pursuant to 28 U.S.C. § 1446 (d), please take notice that Defendant Citibank, N.A. (incorrectly pled as “Citi Bank”) (“**Defendant**”) filed a notice of removal to federal court of the above-captioned action from the Superior Court of the State of Maine, Somerset County, to the United States District Court for the District of Maine.

Respectfully Submitted,

DEFENDANT,  
CITIBANK, N.A.

By: /s/ Donald E. Frechette  
Donald E. Frechette (ME2936)  
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Its Attorney

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Gregory Paul Violette  
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Madison, Maine 04950

By: /s/ Donald E. Frechette  
Donald E. Frechette, Esq.

## **EXHIBIT D**

STATE OF MAINE

GREGORY PAUL VIOLETTE	)	SUPERIOR COURT
Plaintiff	)	SOMERSET, ss
	)	
v.	)	
	)	
CITI BANK	)	DOCKET NO. _____
Defendant	)	
	)	

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Its Attorney



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